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10/648,433	08/25/2003	Walt Froloff	Emo2	4543
7590	07/14/2005		EXAMINER	
Walt Froloff 273D Searidge Rd Aptos, CA 95003			NGUYEN, CAO H	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/648,433

Applicant(s)

FROLOFF, WALT

Examiner

Cao (Kevin) Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-18 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Brush, II et al. (US Patent No. 5,732,232).

Regarding claim 1, Brush, II discloses system and method of communicating emotive content comprising emotive vectors with associated text embedded in electronic device [..the GUI of a computer workstation can be used to display likeness of a face on a display device; see col. 3, lines 38-48].

Regarding claim 2, Brush, II discloses comprising the encoding of emotive content into standard computing device communication formats [..the expression of the control dimension by way of representing positioning of the eyes and eye brows; see col. 4, lines 1-6].

Regarding claim 3, Brush, II discloses comprising the encoding of the emotive content into textual communications [..the communication of these characters has been limited to text only; see col. 4, lines 7-12].

Regarding claim 4, Brush, II discloses comprising the decoding of emotive content

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in electronic communications bearing emotive vectors normalized to the communication's author [..user interface reaction is that the facial representation depicts a mouth intensely frowning to indicate the negative emotion; see col. 4, lines 50-56.]

Regarding claim 5, Brush, II discloses comprising parsing the emotive content into tokens for presentation and display of face glyph emotive representations with associated textual content on receiver computing device displays [..it can be implemented in the use of interactive games, interactive commerce and display environment; see 5, lines 13-17]

Regarding claim 6, Brush, II discloses comprising the tokenizing of the of speech of associated text and with the tokenized emotive content synthesizing author's intended meaning text strings (see col. 4, lines 23-30).

Regarding claim 7, Brush, II discloses comprising the mapping of emotive intensity numerical value into one or more word text describing the emotive intensity value in express language which would qualify an associated emotive state with the intensity value (see col. 4, lines 57-62 and figure 3).

Regarding claim 8, Brush, II discloses further comprising the scanning and tokenizing of the embedded emotive content in the communications (see col. 3, lines 27-36).

Regarding claim 9, Brush, II discloses comprising parsing communications containing the emotive content using emotive grammar productions to tokenize the emotive content in textual communications (see col. 5, lines 1-7).

Regarding claim 10, Brush, II discloses comprising a method of encoding emotive vectors normalized to the author with associated text in electronic communications (see col. 4, lines 22-41).

Regarding claim 11, Brush, II discloses further comprising structuring and synthesizing emotive parsers with productions exploiting emotive vectors encoded in textual datastreams (see figures 1 and 4).

As claims 12-16 are analyzed as previously discussed with respected to claims 1-11 above.

Regarding claims 17 and 18 , Brush, II discloses a computer network comprising a plurality of computing devices connected by a network; said computing devices which display graphical and textual output, applications executing on the devices embedding emotive vectors which are representations of emotive states with associated author normalized emotive intensity, assembling emotive content by associating emotive vectors with associated text in electronic communication [.. VRML environment and Microsoft comic chat; see col. 4, lines 13-41; encoding emotive content by preserving association of emotive vectors with associated text in the electronic communication, transmitting the communication with emotive content to one or more receiver computing devices, parsing communication bearing emotive content; [..identifying x, y coordinates wherein each coordinate corresponds to a distance aspect of emotion; see col. 5, lines 20-25]; and mapping emotive vectors to face glyph representations from a set of face glyphs, such that communications encoded with emotive content facilitate exchange of precise emotive intelligence [emotion display on the circumplex theory of interpersonal relationships; see col. 5, lines 40-43]; displaying communication of textual with associated face glyph emotive representations on said computing device displays; whereby senders can transmit to receivers precise emotive content in communications [..for selecting a point on the x, y plane to indicate the desire emotion; see col. 6, lines 13-20].

*Response to Arguments*

1. Applicant's arguments filed on 04/26/05 have been fully considered but they are not persuasive.

On page 2 of the remark; Applicant argues that Brush II does not teach or suggest "emotive content into standard computing device communication formats or face display". However, the limitations as claimed set forth to rely upon "to represent the emotions onto the computer generation of a human face using the manipulation and positioning of the eyes, eye brows, and mouth. It is yet another object of the present invention to allow the user to select an emotion and its intensity by clicking the computer's pointing device with a mouse button or a selector on any point within a two dimensional graph representing the emotions of the circumplex theory. The selection of the point being translated into the appropriate value for the dimension of the emotion, in proportion to the point's position in the graph for each axis, and the face being updated to reflect the new emotional state" see Brush II.

On page 2 of the remark; Applicant argues that Brush II does not teach or suggest "selected emotive state/intensity form from a set of emotive state in device communication". However, the limitations as claimed set forth to rely upon "The present invention describes a graphical metaphor, referred to as an emotion control for purposes of this disclosure, that allows alteration and display of human emotions by way of a face in a two dimensional arena. The control is based on the circumplex theory of interpersonal relationships. The dimensions utilized by the present invention are the expression of the Control dimension by way of representing positioning of the eyes and eye brows and the expression of the Affiliation dimension by way of representing positioning of the mouth. For example if the human mouth is

displayed in a smile configuration a positive emotion is expressed. If a frown is displayed a negative emotion is expressed. Simultaneously, the degree of aggression can be expressed by the eyes and the eyebrows. The further the eyebrows get from the eyes, the more passive the expressed emotion. In the emerging market of VRML, as well as in non-VRML environments, character models are becoming increasingly popular as an advanced metaphor for communications on the Internet and the world wide web. Traditionally the communication of these characters has been limited to 'text only' user interfaces. As these characters communicate with text in chat rooms, game rooms, and other social contexts, the present invention allows emotions can be graphically displayed by the characters to add depth to the communications experience" See Brush II.

On page 3 of the remark; Applicant argues that Brush II does not teach or suggest "the encoding of the emotive content into textual communications"; however, the limitations as claimed set forth to rely upon[...user interface reaction is that the facial representation depicts a mouth intensely frowning to indicate the negative emotion; see col. 4, lines 50-56.]

On page 3 of the remark; Applicant argues that Brush II does not teach or suggest "normalization of emotive intensity"; however, the limitations as claimed set forth to rely upon "the user uses an indicator such as a mouse click or a pen tap to identify where in the spectrum of the interpersonal model the emotion to be represented lies. As the user clicks or taps on the appropriate area, the computer representation of the face changes to reflect the desired emotion. The greater the distance from the origin of the grid, the greater the intensity of the expressed emotion. The point indicated by the pointing device in FIG. 2 is in the lower left corner. This indicates a degree of negative emotion and aggressiveness (expressing the emotion "anger",

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for example). The resulting user interface reaction is that the facial representation depicts a mouth intensely frowning 215 to indicate the negative emotion and the eye brows close to the eyes 220 to reflect the aggressiveness. FIG. 3 represents the face of the preferred embodiment after the user selects the center left portion of the interpersonal relationship continuum wherein the eye brows have reached an intermediate distance from the eyes indicating that it is not aggressive, yet not passive; it reflects a middle ground in the control continuum. The mouth reflects an intense positive emotion (such as "happiness", for example). Any point on the emotion control box may be selected to give an infinite gradation of emotions and intensity based on the control and affiliation aspects." See Brush II.

On page 4 of the remark; Applicant argues that Brush II does not teach or suggest "comprising parsing the emotive content into tokens for presentation and display of face glyph emotive representations with associated textual content on receiver computing device displays"; however, the limitations as claimed set forth to rely upon comprising parsing the emotive content into tokens for presentation and display of face glyph emotive representations with associated textual content on receiver computing device displays"; however, the limitations as claimed set forth to rely upon "A computer program residing on a computer-readable media, said computer program comprising computer-readable means for displaying representations of computer generated faces, each of said faces including at least eyes, eye brows and a mouth, on a display device of a computer, said computer having a means for manipulation of a cursor or pointer; computer-readable means for controlling the display of emotion on said computer generated faces wherein said computer-readable means for controlling comprises representing an x,y plane on said display device; means for selecting a point on the x,y plane to indicate the



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desired emotion; wherein said emotion display is based on the circumplex theory of interpersonal relationships” see Brush II.

On page 4 of the remark; Applicant argues that Brush II does not teach or suggest “non-textual communication and are not token communication stream”; however, the limitations as claimed set forth to rely upon “the emerging market of VRML, as well as in non-VRML environments, character models are becoming increasingly popular as an advanced metaphor for communications on the Internet and the world wide web. Traditionally the communication of these characters has been limited to ‘text only’ user interfaces. As these characters communicate with text in chat rooms, game rooms, and other social contexts, the present invention allows emotions can be graphically displayed by the characters to add depth to the communications experience” see Brush II

On page 5 of the remark; Applicant argues that Brush II does not teach or suggest “mapping the positioning of a control indicator on a two dimensional plane”; however, the limitations as claimed set forth to rely upon “In the emerging market of VRML, as well as in non-VRML environments, character models are becoming increasingly popular as an advanced metaphor for communications on the Internet and the world wide web. Traditionally the communication of these characters has been limited to ‘text only’ user interfaces. As these characters communicate with text in chat rooms, game rooms, and other social contexts, the present invention allows emotions can be graphically displayed by the characters to add depth to the communications experience. Existing art in this area, such as the Microsoft Comic Chat emotion control allow for display of specific emotions: happiness, sadness, surprise.

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The present invention improves the art by giving the computer user a means to specify emotion in (1) much finer gradations, and (2) a range of intensity. The user, by placing the emotion index point anywhere in the plane of the emotion control, can produce many more faces with much finer detail in the display of the emotion. FIG. 2 depicts the use of the present invention for manipulating a human face to represent emotion. The preferred embodiment has been implemented using a JAVA (JAVA is a registered trademark of Sun Microsystems) applet. The x,y grid depicted to the left of the human face is used to depict the continuum of emotion represented by the circumplex theory. The ranges actually used in the preferred embodiment are negative to positive emotion on the x-axis and aggressiveness to passiveness on the y-axis (as opposed to hostile, friendly and dominant, submissive in the purely theoretical model of FIG. 1). In the preferred embodiment, the user uses an indicator such as a mouse click or a pen tap to identify where in the spectrum of the interpersonal model the emotion to be represented lies. As the user clicks or taps on the appropriate area, the computer representation of the face changes to reflect the desired emotion. The greater the distance from the origin of the grid, the greater the intensity of the expressed emotion. The point indicated by the pointing device 210 in FIG. 2 is in the lower left corner. This indicates a degree of negative emotion and aggressiveness (expressing the emotion "anger", for example). The resulting user interface reaction is that the facial representation depicts a mouth intensely frowning 215 to indicate the negative emotion and the eye brows close to the eyes 220 to reflect the aggressiveness. FIG. 3 represents the face of the preferred embodiment after the user selects the center left portion of the interpersonal relationship continuum wherein the eye brows have reached an

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intermediate distance from the eyes 320 indicating that it is not aggressive, yet not passive; it reflects a middle ground in the control continuum. The mouth reflects an intense positive emotion (such as "happiness", for example). Any point on the emotion control box 210, 310 may be selected to give an infinite gradation of emotions and intensity based on the control and affiliation aspects; see Brush II.

Accordingly, the claimed invention as represented in the claims does not represent a patentable distinction over the art of record.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (see PTO-892).

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

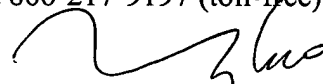
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cao (Kevin) Nguyen  
Primary Examiner  
Art Unit 2173

07/7/05